

right," or why your petitioners should refrain from questioning the exclusive claims urged by the Sister Church, seeing these claims are set up in opposition to what your petitioners conceive to be the plain meaning of the Act of Union, to the sense of the House of Assembly of Upper Canada, to the legal opinion of Lord Lyndhurst, late Lord Chancellor, while Attorney-General, and of the late Lord Gifford, while Solicitor-General, as well as to the Report of the Committee of the House of Commons.

It is stated in the petition referred to, that "for a period of thirty years it never became a question, but that it (the reserve of one-seventh of the Province) was made for the exclusive maintenance of the Church of England; and hence it is intended that it should be inferred that during the whole of that period the exclusive claim of the Church of England was acquiesced in by the members and Ministers of the Church of Scotland. Candour ought to have induced the Lord Bishop of Quebec and his Clergy, at the same time, to state that for nearly thirty years, the Church of England derived no benefit from, and assumed no controul over these Reserves; that, during that period they produced very little, if any thing, and that up to the year 1820, there was but one Clergyman in connection with the Church of Scotland, resident in Upper Canada, from whom it could scarcely be expected that he should enter into a controversy for Lands which, till then were of no value. It is, however, well known, and can be established by proof, if necessary, that this gentleman frequently and earnestly represented to the Executive Government of the Province, the impropriety of creating any distinction between two Churches having equal claims, and the injustice of extending to the one, a support which was withheld from the other. Immediately after the formation of the Clergy of the Church of England into a corporation for managing the Clergy Reserves, (a duty not generally considered compatible with those which belong to their station) the public attention was drawn to the subject, and during the year 1822, the House of Assembly addressed his late Majesty in behalf of the Church of Scotland. The proceedings of the Assembly on this occasion are, in the petition of the Lord Bishop of Quebec, attributed to the "exertions of an individual in the Legislature" of this province, and it is insinuated that they are in the face of the plain enactments of the statute 31st, Geo. 3rd, Chap. 31, "because these declare that the Lands reserved shall be for the support of a (meaning one) Protestant Clergy, and the claim was urged in behalf of the Ministers of the Church of Scotland," as a part of the Protestant Clergy recognized by the laws of the United Kingdom. Whether the construction of the statute as given by his Lordship the Bishop of Quebec and his Clergy, in their own favour, strengthened by the opinion of any barrister, however eminent, or that which has been declared by former law officers of the Crown, and subsequently by the House of Assembly of Upper Canada, and by a Committee of the House of Commons, sitting on Canadian affairs, is to be regarded as the most entitled to consideration, it is for your Majesty's Government to determine, and to that decision your Petitioners look forward with every confidence, that it will be guided and influenced by no considerations but those of justice and equity. The difficulties which exist in a country having but a thin population, and not very abundant means for providing adequate support for clergymen duly qualified for the Ministry, are plainly and correctly stated in the Lord Bishop's petition to your Majesty; and the anxiety of the